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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,059	11/20/2001	Jason B. Brent	01CON263P	1465
25700	7590	01/10/2006	EXAMINER	
FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/990,059	<b>Applicant(s)</b> BRENT ET AL.	
	<b>Examiner</b> Steven Blount	<b>Art Unit</b> 2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1 - 7 and 15 - 27 is/are allowed.  
6) ☒ Claim(s) 8 - 14 is/are rejected.  
7) ☒ Claim(s) 28 - 31 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 – 14 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,128,300 to Horton in view of U.S. patent 6,400,769 to Gatherer et al.

With regard to claim 8, Horton teaches linecard interface circuitry 112 – 113/121 (fig 1) and linecard modem 121 (col 3 lines 48 – 49), wherein said linecard modem interfaces with a digital network (see col 3 lines 68+, including col 4 line 5: “or other digital data network”).

Horton does not however explicitly teach the use of linear/uniform spacing for the digital analog signals which are generated.

Gatherer et al teaches a similar system shown in figure 3 wherein analog data 152 is converted to a “digital analog” signal 259 prior to transmission to a digital network (ISP 35). Gatherer also teaches that a linear coding scheme is used (it is common knowledge in communications that linear coding employs uniformly quantized samples – ie, “uniform spacing”) “since companded code is a poor carrier for data signals” (col 8 lines 6+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have generated linear/uniformly spaced digital signals in Horton in light of

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the teachings of Gatherer in order to improve the data transmission capabilities of the system.

With regard to claim 9, modulate/demodulate, see col 3 lines 65+.

With regard to claims 10 and 11, 64 kb/sec is a common transmission rate and is taught in col 1 lines 30+ of Gatherer and col 3 lines 28+ of Horton, wherein 64 kb/sec would be an obvious choice for a maximum or multiple of the data rate chosen.

With regard to claim 12, 128 kb/sec is a common multiple of 64 kb/sec whose use would be obvious to one of ordinary skill in the art.

With regard to claim 13, it would be plainly obvious to one of ordinary skill in the art to connect at less than the maximum network speed in view of the fact that connections are formed more easily at these lower speeds.

With regard to claim 14, a V.34 modem is taught in col 3 lines 40+ of Horton, and the use of V.90 and V.92 modems in this situation would be the substitution of obvious, known equivalents.

3. Claims 1 – 7, 15 – 27 are allowed.

Claims 28 – 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include the limitations of the base claim and any intervening claims.

4. Applicants arguments are moot in view of the new grounds of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

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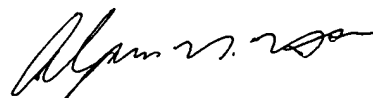
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 – 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB



12/29/05



ALPUS H. HSU  
PRIMARY EXAMINER